

**TOWN OF BENNETT, COLORADO
PLANNING & ZONING COMMISSION
Regular Meeting
June 28, 2021**

1. CALL TO ORDER

The Planning & Zoning Commission of the Town of Bennett met in regular session on Monday, June 28, 2021, via hybrid meeting. Chair Wayne Clark called the meeting to order at 6:35 p.m. The following persons were present upon the call of the roll:

Chair: Wayne Clark

Commissioners: Rachel Connor
Grider Lee - *unexcused*
Martin Metsker
Scott Smith

Staff Present: Steve Hebert, *Planning and Economic Development Manager*
Taeler Houlberg, *Assistant to the Town Administrator*
Dan Giroux, *Town Engineer*
Christina Hart, *Town Clerk*

Public Present: Trey Farrell, Brendan Parsa

1. APPROVAL OF AGENDA

COMMISSIONER METSKER MOVED, COMMISSIONER CONNOR SECONDED to approve the agenda as amended. Staff will present Case No. 21.10 and Case No. 21.12 first with the public hearing as the last agenda item. Voting was as follows:

YES: Metsker, Smith, Clark, Connor

NO: None

UNEXCUSED: Lee

Chairman Clark declared the motion carried by unanimous vote.

2. APPROVAL OF CONSENT AGENDA

COMMISSIONER METSKER MOVED, COMMISSIONER CONNOR SECONDED to approve the consent agenda as presented. Voting was as follows:

YES: Smith, Clark, Connor, Metsker

NO: None

UNEXCUSED: Lee

Chairman Clark declared the motion carried by unanimous vote.

Action: Approval of May 17, 2021 Regular Meeting Minutes

3. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

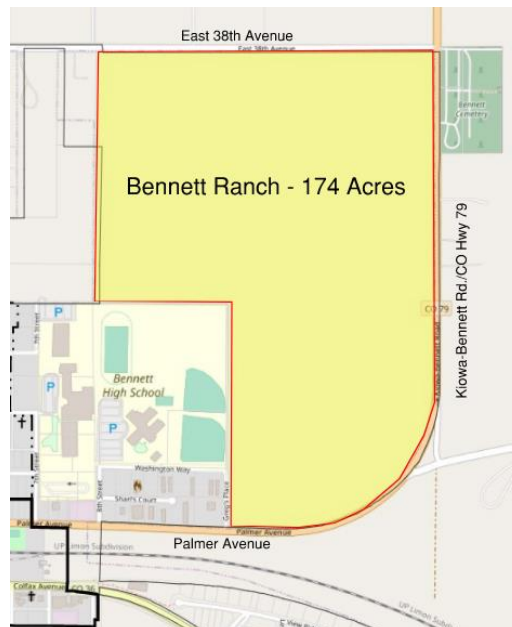
There were no public comments on items not on the agenda presented.

4. REGULAR BUSINESS

A. Case No. 21.10 – Bennett Ranch Phase 2 Single-Family Detached Sketch Plan

Steve Hebert, Planning and Economic Development Manager, reported to the commission LGI Homes, through their consultant Kimley-Horn, has submitted a sketch plan for 286 lots for single-family detached homes on 69.5 acres. The property is located immediately east of the Bennett School campus, between Palmer Avenue and East 38th Avenue, and west of Colorado Highway 79 (Kiowa-Bennett Road). The property is zoned R-2 – Mid Density Residential. As described below, the purpose of a sketch plan is to provide the subdivider (LGI Homes) with preliminary informal feedback on a conceptual lot layout.

The vicinity map below is of the entire 174-acre Bennett Ranch project.



A sketch plan for the entire 174 acres was presented to the Town in 2018 and showed several land use areas, including single-family detached, townhomes, a community park, a commercial tract and land designated for the Bennett School District, Bennett-Watkins Fire Rescue Authority and the Town of Bennett. The initial Bennett Ranch Sketch Plan is attached.

The Bennett Ranch Filing 1 Subdivision Final Plat was approved by the Board of Trustees in January 2020. The initial subdivision created 145 single-family lots, the first phase of the park site and tracts of land that have been dedicated to the Bennett School District, Bennett-Watkins Fire Rescue Authority and the Town of Bennett. The 145 lots are considered Phase 1 of a multi-phase buildout. Construction of Phase 1 infrastructure is anticipated to begin in the summer of 2021.

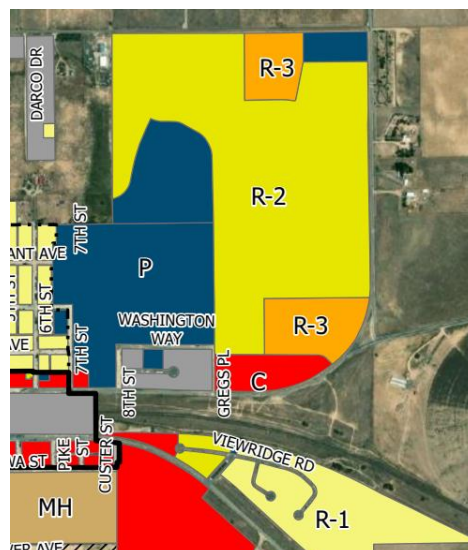
Per Sec. 16-4-370 of the Bennett Municipal Code, *"the sketch plan is intended to provide the subdivider with preliminary informal feedback from the Town staff and the Planning Commission on format and substance. Sketch plan review assists the subdivider in understanding the Town's preliminary position on the development, prior to the effort associated with the final plat documents, and to provide the Town with an overall master plan for the proposed development."*

The Planning Commission shall review the sketch plan in a public meeting and provide feedback to the subdivider. The meeting is intended to be for the mutual exchange of information and development concepts. The feedback shall take the form of recommendations endorsed by a majority of the Planning Commission members present. The recommendations by the Planning Commission may include an endorsement of the sketch plan concept, suggestions for modifications to the concept, or endorsement of alternative designs and specifics necessary to accomplish the Town's goals."

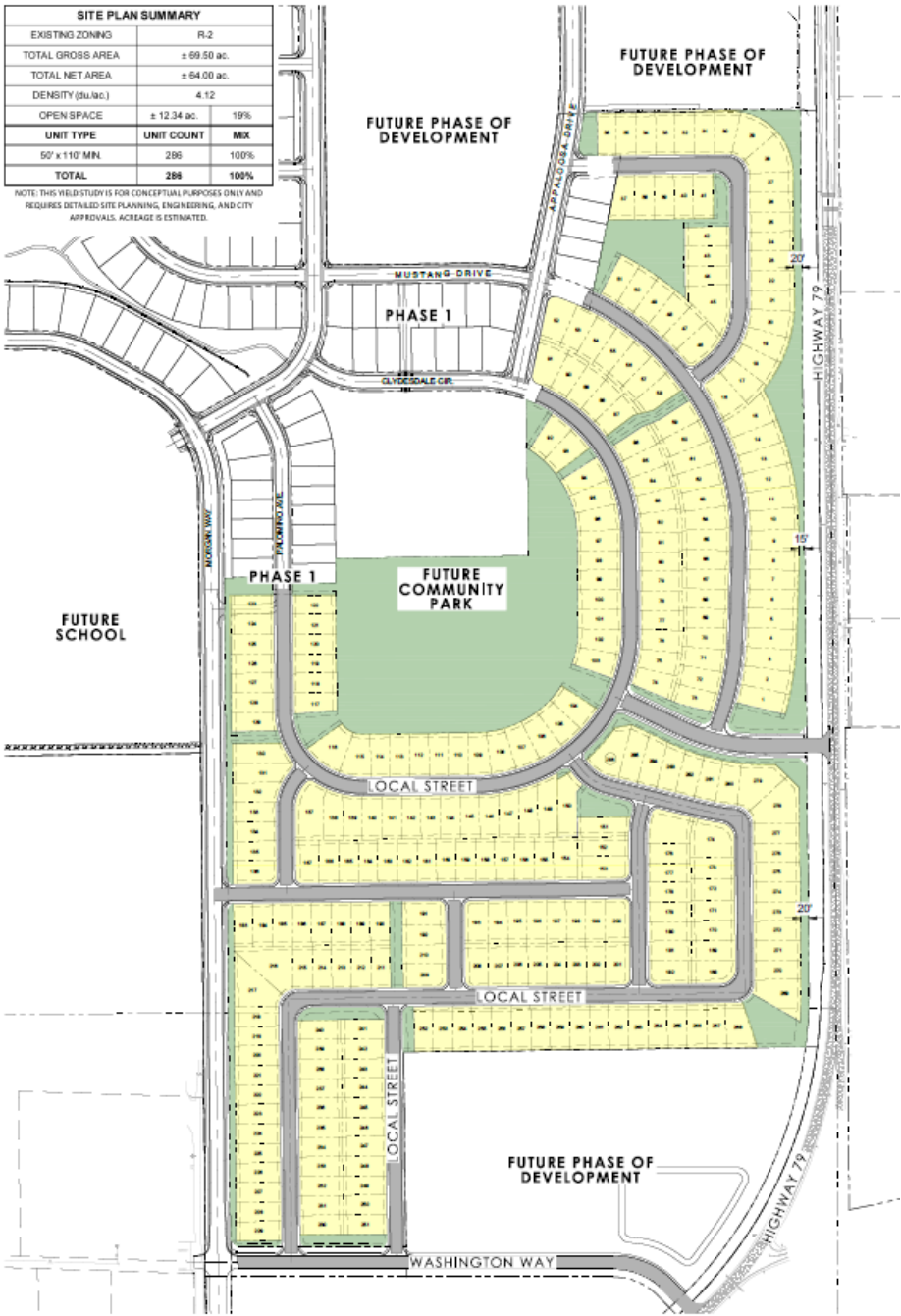
The table below summarizes the surrounding zoning and land use.

Direction	Zone District	Land Use
North	R-2 – Mid Density Residential, R-3 – High Density Residential, P - Public	Vacant
East	A -3 in Adams County	Residential, Agricultural, Cemetery
South	R- 3 – High Density Residential, C – General Commercial	Vacant
West	P - Public	School Campus

Below is a subsection of the Bennett Zoning Map showing Bennett Ranch and the surrounding area:



The Bennett Ranch Phase 2 Single-Family Detached Sketch Plan is shown below. It proposes the creation of 286 lots for single-family detached homes. The proposed street layout is consistent with the Bennett Ranch Filing 1 street network. Primary access to the subdivision will be from a new Palmer Avenue/Morgan Way intersection just south of Phase 2 as well as a new access road to and from CO Highway 79 (Kiowa-Bennett Road).



Minimum lot sizes are 5,500 square feet, consistent with the R-2 - Mid Density zoning district. The sketch plan also shows an expansion of the future community park that was created by Filing 1.

Per Sec. 16-4-370 of the Bennett Municipal Code, the Town shall use the following criteria to evaluate the applicant's sketch plan application. Initial comments and concerns are identified under each criterion.

- a. The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan.

Staff Response: The proposed residential subdivision is consistent with the R-2 zoning and the Comprehensive Plan.

- b. The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in Chapter 16 and the Comprehensive Plan.

Staff Response: The sketch plan represents a functional system of land use and complements the lot layout and street network of the Bennett Ranch Phase 1 single-family subdivision.

- c. The utility and transportation design is adequate, given existing and planned capacities of those systems.

Staff Response: The Town's water supply, water distribution and sanitary sewer systems will be able to accommodate the proposed development. Adequate access is via Palmer, CO Highway 79 (Kiowa-Bennett Road) and an improved East 38th Avenue.

Below is a brief outline of staff and referral agency comments regarding the sketch plan as proposed. See the attached referral agency responses:

1. The Town Engineer indicates the Town will have water system capacity, including fire flows, and sanitary sewer collection system capacity to serve the subdivision. Details regarding final water, sanitary sewer and stormwater system design will be addressed at the time of final plat. The Town Engineer also commented on the potential noise impacts and related building setbacks from CO Highway 79. Staff is working with CDOT on the eventual design and necessary right-of-way for the highway. Potential noise impacts and appropriate mitigation will be addressed at the time of final plat.
2. The Town Traffic Engineer commented on the trails and pedestrian paths and the potential need for future pedestrian crosswalks. This will be addressed in more detail with the final plat.
3. Bennett School District 29J will ask for cash-in-lieu of land dedication.
4. Bennett-Watkins Fire Rescue has submitted several comments relative to fire protection, including reference to the International Fire Code (IFC), fire hydrant location and fire flows. These comments have been forwarded to the applicant.
5. The Intermountain Rural Electric Association (IREA) has submitted comments regarding the need for utility easements. These will be placed on the final plat.

6. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

Staff Response: Although no negative impacts on adjacent land uses are anticipated, staff will defer a finding on this criterion until we receive and review a more detailed final plat and site plan.

7. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types.

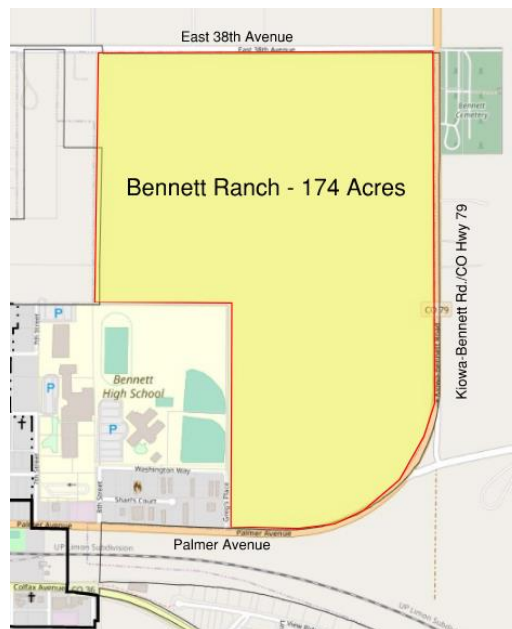
Staff Response: Staff believes there is a need and desirability for new residential housing, as promoted by the Comprehensive Plan and as evidenced by demand in other residential subdivisions, including Bennett Crossing and Sky View.

No formal action of recommending approval or denial is required of the Planning and Zoning Commission.

B. Case No. 21.12 – Bennett Ranch North R-3 Townhome Sketch Plan

Steve Hebert, Planning and Economic Development Manager, reported to the commission LGI Homes, through their consultant Kimley-Horn, has submitted a sketch plan for 84 single-family attached townhome lots on 8.9 acres. The property is located approximately 600 feet west of the East 38th Avenue/Colorado Highway 79 (Kiowa-Bennett Road) intersection. The property is zoned R-3 - High Density Residential. As described below, the purpose of a sketch plan is to provide the subdivider (LGI Homes) with preliminary informal feedback on a conceptual lot layout.

The vicinity map below is of the entire 174-acre Bennett Ranch project.



A sketch plan for the entire 174 acres was presented to the Town in 2018 and showed several land use areas, including single-family detached, townhomes, a community park, a commercial tract and land designated for the Bennett School District, Bennett-Watkins Fire Rescue Authority and the Town of Bennett. The initial Bennett Ranch Sketch Plan is attached.

The Bennett Ranch Filing 1 Subdivision Final Plat was approved by the Board of Trustees in January 2020. The initial subdivision created 145 single-family lots, the first phase of the park site and tracts of land that have been dedicated to the Bennett School District, Bennett-Watkins Fire Rescue Authority and the Town of Bennett. The 145 lots are considered Phase 1 of a multi-phase buildout. Construction of Phase 1 infrastructure is anticipated to begin in the summer of 2021.

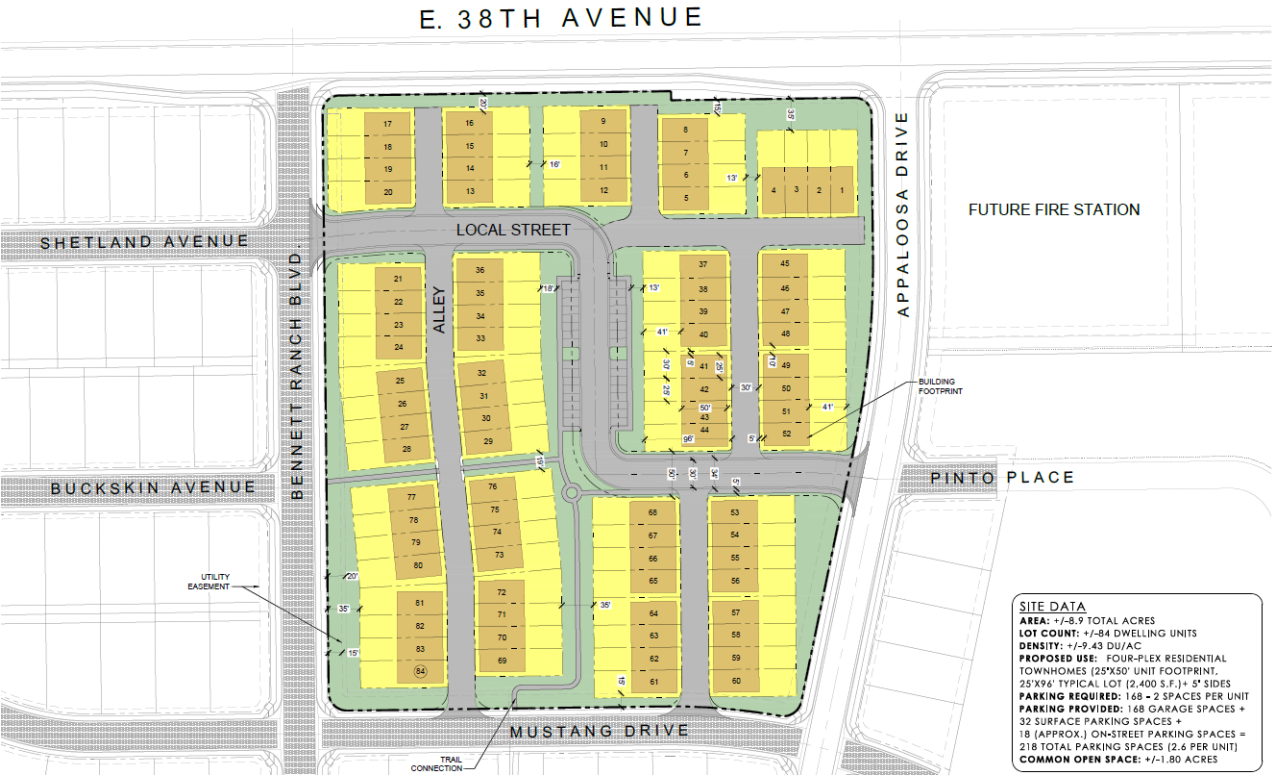
Per Sec. 16-4-370 of the Bennett Municipal Code, *"the sketch plan is intended to provide the subdivider with preliminary informal feedback from the Town staff and the Planning Commission on format and substance. Sketch plan review assists the subdivider in understanding the Town's preliminary position on the development, prior to the effort associated with the final plat documents, and to provide the Town with an overall master plan for the proposed development."*

The Planning Commission shall review the sketch plan in a public meeting and provide feedback to the subdivider. The meeting is intended to be for the mutual exchange of information and development concepts. The feedback shall take the form of recommendations endorsed by a majority of the Planning Commission members present. The recommendations by the Planning Commission may include an endorsement of the sketch plan concept, suggestions for modifications to the concept, or endorsement of alternative designs and specifics necessary to accomplish the Town's goals."

The table below summarizes the surrounding zoning and land use.

Direction	Zone District	Current Land Use
North	A-3 in Adams County	Agricultural
East	P – Public, R-2 – Mid Density Residential	Vacant
South	R-2 – Mid Density Residential	Vacant
West	R-2 – Mid Density Residential	Vacant

The Bennett Ranch North R-3 Townhome Sketch Plan is shown below. It proposes the creation of 84 lots for single-family attached townhomes. The proposed street layout is consistent with the Bennett Ranch Filing 1 street network. Primary access to the subdivision will be from the future Bennett Ranch Boulevard and Appaloosa Drive, which will both connect to East 38th Avenue. An image of the sketch plan is below.



Below is an enlarged version of the site data table:

SITE DATA	
AREA:	+/-8.9 TOTAL ACRES
LOT COUNT:	+/-84 DWELLING UNITS
DENSITY:	+/-9.43 DU/AC
PROPOSED USE:	FOUR-PLEX RESIDENTIAL TOWNHOMES (25'X50' UNIT FOOTPRINT, 25'X96' TYPICAL LOT (2,400 S.F.)+ 5' SIDES
PARKING REQUIRED:	168 - 2 SPACES PER UNIT
PARKING PROVIDED:	168 GARAGE SPACES + 32 SURFACE PARKING SPACES + 18 (APPROX.) ON-STREET PARKING SPACES = 218 TOTAL PARKING SPACES (2.6 PER UNIT)
COMMON OPEN SPACE:	+/-1.80 ACRES

Per Sec. 16-4-370 of the Bennett Municipal Code, the Town shall use the following criteria to evaluate the applicant's sketch plan application. Initial comments and concerns are identified under each criterion.

- d. The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan.

Staff Response: The proposed residential subdivision is consistent with the R-3 zone district and the Comprehensive Plan. The proposed lots sizes of 2,400 sq. ft. and the proposed density of 9.43 dwelling units per acre conform to the R-3 zone district standards.

- e. The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in Chapter 16 and the Comprehensive Plan.

Staff Response: The sketch plan represents a functional system of land use and is generally consistent with the previously reviewed 2018 Bennett Ranch Sketch Plan.

- f. The utility and transportation design is adequate, given existing and planned capacities of those systems.

Staff Response: The Town's water supply, water distribution and sanitary sewer systems will be able to accommodate the proposed development. Adequate access is via future streets approved as part of the Bennett Ranch Filing 1 Final Plat, including an improved East 38th Avenue.

Below is a brief outline of staff and referral agency comments regarding the sketch plan as proposed. See the attached referral agency responses:

- 8. Confirmation of building footprint sizes and building setbacks will be confirmed at the time of final plat and site plan.
- 9. The Town Engineer indicates the Town will have water system capacity, including fire flows, and sanitary sewer collection system capacity to serve the subdivision. Details regarding final water, sanitary sewer and stormwater system design will be addressed at the time of final plat. In addition, local street radii will need to be confirmed by the Bennett-Watkins Fire Rescue Authority.
- 10. Traffic from this site was accounted for in the 2018 Traffic Impact Study. The Town Traffic Engineer indicated a concern about future on-street parking on the local streets and near the intersections with the alleys. More detail will be required at time of final plat and site plan. In addition, the trail connections and pedestrian crossings of Bennett Ranch Boulevard and Mustang Drive will require appropriate traffic control and pedestrian crosswalks.
- 11. Bennett School District 29J will ask for cash-in-lieu of land dedication at the time of final plat.

12. Bennett-Watkins Fire Rescue (BWFR) recommends the developer confer with the district to ensure the proposed development conforms to adopted International Fire Code (IFC) standards. BWFR's referral response includes, but is not limited to comments on hydrant distribution, fire flows and access. BWFR is requesting the developer provide a modeling exhibit based on fire apparatus design criteria showing adequate widths and turning radii.

13. The Intermountain Rural Electric Association (IREA) has indicated it will address required utility easements at the time of final plat.

- g. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

Staff Response: No negative impacts on adjacent land uses are anticipated. However, staff will defer a finding on this criterion until we receive and review a more detailed final plat and site plan.

- h. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types.

Staff Response: Staff believes there is a need and desirability for new residential housing, as promoted by the Comprehensive Plan. The proposed townhomes will increase the overall diversity of housing in Bennett consistent with the goals of the Comprehensive Plan.

No formal action of recommending approval or denial is required of the Planning and Zoning Commission.

5. PUBLIC HEARING

A. Proposed Changes to the Lighting Standards in the Bennett Municipal Code

Resolution 2021-06 - A Resolution of the Bennett Planning and Zoning Commission Recommending Approval of an Ordinance Amending Chapter 16 of the Bennett Municipal Code Regarding Lighting Standards

Chair Wayne Clark opened the public hearing on proposed changes to the lighting standards in the Bennett Municipal Code at 6:55 p.m. a public hearing on the approval of a Resolution 2021-06 - A Resolution of the Bennett Planning and Zoning Commission Recommending Approval of an Ordinance Amending Chapter 16 of the Bennett Municipal Code Regarding Lighting Standards.

Secretary, Christina Hart, stated for the record the Notice of Public Hearing was posted in accordance with State Statue and published in the Eastern Colorado News, May 28, 2021 as Legal Number 2481.

There were no disclosures from the Planning & Zoning Commission.

Steve Hebert, Town Planning and Economic Development Manager, reported to the Commission, Trustee Pulliam presented to staff several proposed changes to the lighting

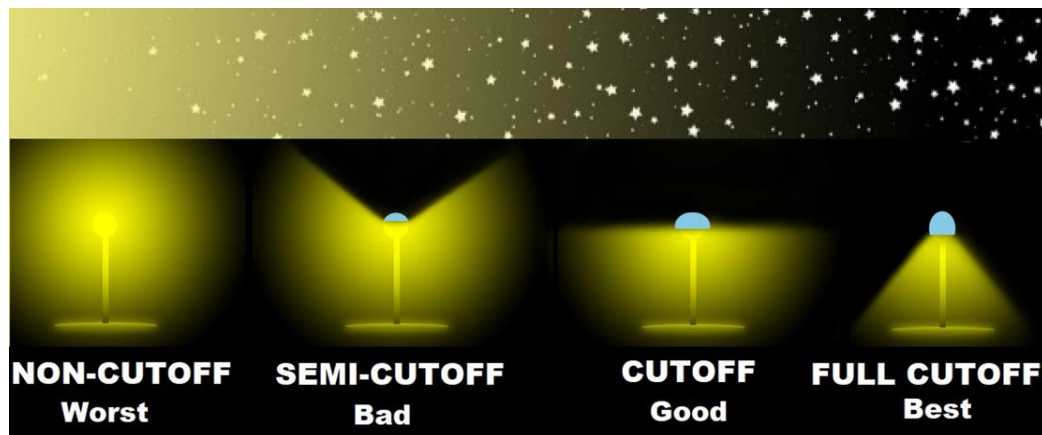
standards in Chapter 16, Division 8 of the Bennett Municipal Code. Staff presented the proposed changes to the Town Board of Trustees in a study session in January 2020 and again in December 2020. During the second study session, the Board indicated general support of the changes as long as certain fixture installations were exempt and staff solicited input from the community. That exemption and community input are described later in this report.

The purpose of the Town's lighting standards is to:

1. Provide adequate lighting for safety and security;
2. Reduce light pollution, light trespass, glare, sky glow impacts and offensive light sources;
3. Prevent inappropriately aimed or poorly designed or installed exterior lighting;
4. Encourage quality lighting design, light fixture shielding, uniform light intensities and lighting controls; and
5. Promote efficient and cost-effective lighting to conserve energy.

The primary approach to reducing light pollution, light trespass and offensive lighting is to use full cut-off fixtures that conceal the light source, so it is not visible from adjacent properties and public rights-of-way (streets).

The image below illustrates the concept of cut-off fixtures. Also, see the PowerPoint presentation for more illustrations:



The current lighting standards were adopted in 2014. For various reasons, including the complexity of measuring the brightness (lumens) of light sources, the lack of public education and outreach, and the number of lights in our residential, commercial and industrial neighborhoods, enforcement has not been effective. Staff conducted a windshield survey, driving Bennett neighborhoods in late November, and found 342 homes with non-compliant light fixtures. Many have motion-detector security lights with an unshielded light source. Given the limited scope of the survey, there are likely many more non-compliant fixtures.

Cut-off Fixtures and Single-Family Home Exemptions

The current code requires all exterior lights greater than 900 lumens (approximately 70 watts) to be shielded from view from adjacent properties and public rights-of-way. The code requires a full cut-off fixture to prevent the direct view of the light source, i.e., the bulb. A full cut-off

fixture is designed so that light is aimed downward and the direct light source is shielded from view. (See examples attached to this staff report.)

For single-family detached dwellings, the code currently exempts light fixtures of sixty (60) watts or less from the full cut-off requirement; however, these fixtures must have a translucent or frosted lens. Clear unfrosted bulbs within clear fixtures are prohibited.

The proposed amendments would eliminate the 900 lumens threshold noted above and eliminate the exemption for a single-family home light fixture of 60 watts or less. The effect would require almost all light fixtures in residential and commercial areas to use full cut-off fixtures. The reference to translucent or frosted lenses would be eliminated because they would no longer be necessary.

A provision has been included in the proposed lighting standards that states that a replacement of an existing fixture to meet compliance is only required if an electrical permit is also required for the project or installation. If an electrical permit is not required, then the fixture does not have to conform to the provisions of the code. This was added based on the recommendation from the Board.

Exemption for Ornamental Lighting

The current code exempts ornamental landscape lighting fixtures that do not exceed fifteen (15) watts from the lighting standards. The proposed amendment would eliminate this exemption and require all ornamental landscape lighting to use the full cut-off fixture. Holiday lights are currently exempt on residential and non-residential properties. No change is proposed for holiday lights. All exterior lighting, except for holiday lights, aviation lighting and public safety lighting, would be subject to the Town's lighting standards.

Miscellaneous Clean-up Amendments

Several proposed updates clean-up the language to make it internally consistent if the ordinance is amended.

The proposed updates to the lighting standards were presented to the public at Engage.Shape.Build. on Wednesday, May 19, 2021, and were well-received by those in attendance.

By removing the exemption for single-family residential lighting and requiring all light fixtures, regardless of brightness, to be full cut-off fixtures, light pollution will be reduced.

Also, the requirement for full cut-off fixtures, regardless of the lumens of the light source, would make enforcement easier. No longer will interpretation of the code depend on the brightness of the light source. A visual inspection will be simplified. If the light source is directly visible, it will be considered non-compliant.

The added provision, of only requiring a new light fixture to be a full cut-off fixture if an electrical permit is required for the installation, also alleviates the concerns associated with financially burdening residents if the proposed amendments to Chapter 16 are approved.

Staff recommends that the Planning and Zoning Commission approve Resolution 2021-06, a resolution recommending approval of an ordinance amending Chapter 16 of the Bennett Municipal Code regarding lighting standards.

PUBLIC COMMENTS

No comments were presented by the public.

Chairman Clark closed the public hearing on the proposed changes to the lighting standards in the Bennett Municipal Code at 7:24 p.m.

COMMISSIONER METSKER MOVED, COMMISSIONER CONNOR SECONDED to approve Resolution No. 2021-06 – A resolution of the Bennett Planning and Zoning Commission recommending Approval of an ordinance amending Chapter 16 of the Bennett Municipal Code regarding lighting standards. Voting was as follows:

YES: Metsker, Smith, Clark, Connor

NO: None

UNEXCUSED: Lee

Chair Clark declared the motion passed unanimously.

COMMISSIONER COMMENTS/REPORTS

There were no reports from the commissioners.

6. ADJOURNMENT

COMMISSIONER SMITH MOVED, COMMISSIONER CONNOR SECONDED to adjourn the meeting. The Chair declared the motion carried by unanimous vote. The meeting was adjourned at 7:26 p.m.

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Christina Hart, Secretary

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Wayne Clark, Chairman